

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|-------------------|---|-----------|
| REGINALD FULLARD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 1:15CV196 |
| |) | |
| FRANK PERRY, |) | |
| |) | |
| Respondent. |) | |

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 12, 2015, was served on the parties in this action. (Doc. 2.) Petitioner objected to the Recommendation. (Doc. 4.)

The court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition. A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 31st day of March, 2015.

/s/ Loretta C. Biggs
United States District Judge